

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION, et
al.,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
et al.

Defendants.

CASE NO. 1:22-CV-828-TDS-JEP

**DEFENDANTS' JOINT NOTICE OF ALL PARTIES' CONSENT
TO TOLLING OF DEFENDANTS'
TIME TO RESPOND TO PLAINTIFFS' COMPLAINT**

Defendants Syngenta Crop Protection AG, Syngenta Corporation and Syngenta Crop Protection, LLC (together, "Syngenta") and Corteva, Inc. ("Corteva") (collectively, "Defendants," and, together with Plaintiffs, the "Parties"), by and through their undersigned attorneys and pursuant to Fed. R. Civ. P. 6(b) and Local Rule 6.1(a), respectfully provide this Notice that all Parties have consented to the tolling of Defendants' current deadline to answer, move or otherwise respond to Plaintiffs' Complaint to December 19, 2022.¹ Plaintiffs **consent** to this tolling, on the condition that if any Defendants file a motion to dismiss the Complaint on December 19, 2022, Plaintiffs will have until January 23, 2023 to respond to that motion.

¹ In noticing the consent tolling described herein, Defendants expressly reserve, and do not waive, all rights and defenses, including with respect to personal jurisdiction.

In support of this Notice, Defendants state as follows:

1. Plaintiffs' Complaint was filed on September 29, 2022.
2. Defendants' response to the Complaint is currently due on December 12, 2022.
3. On November 21, 2022, Defendants filed their Joint Motion for Extension of Time to Respond to Plaintiffs' Complaint and Request for Expedited Briefing (the "Pending Extension Motion"). (ECF No. 56.) Through that pending motion, Defendants are seeking an extension of the time within which to answer, move or otherwise respond up to and including a date occurring after disposition of Defendants' motion to transfer *Jenkins v. Corteva, Inc.*, No. 22-cv-1976, to this District.² The Defendants' motion to transfer in *Jenkins* is part of an ongoing effort to coordinate and/or consolidate related cases before the same court and judge. Plaintiffs have opposed that motion (ECF No. 59), and the motion was fully briefed and referred for decision. (ECF No. 60; 12/6/22 Text Order).
4. In light of the proximity of Defendants' current deadline, the Defendants have requested a one-week tolling of Defendants' current deadline to respond to Plaintiffs' Complaint, in order to afford the Court additional time to rule on the Pending Extension Motion. Defendants' current deadline would thereby be tolled until December 19, 2022. Plaintiffs consent to this tolling.
5. With Defendants' deadline tolled to December 19, 2022, if any Defendant files a motion to dismiss the Complaint on December 19, 2022, Defendants reciprocally consent

² As discussed in Defendants' reply brief in support of the Pending Extension Motion, Defendants request, in the alternative, that the Court extend Defendants' time to respond to January 20, 2023. (ECF No. 60.)

to an extension of Plaintiffs' time to respond to any such motion up to and including January 23, 2023.

6. The Parties understand and agree that should the Court grant the relief sought by the Pending Extension Motion and enter an order extending Defendants' deadline to respond to the Complaint past December 19, 2022, the tolling under this Notice is mooted.

7. This Notice is presented in good faith and not for the purpose of delay, no party to this proceeding will be prejudiced, and good cause exists for this tolling.

8. The agreed-upon tolling for Defendants and potential reciprocal extension of time to Plaintiffs does not affect any other scheduled dates or deadlines or replace any other pending requests before the Court.

9. A proposed Order is submitted herewith.

WHEREFORE, Defendants respectfully request that this Court enter an Order (i) tolling Defendants' current deadline to answer, move or otherwise respond to Plaintiffs' Complaint to December 19, 2022, and (ii) granting Plaintiffs an extension of time to respond to any motion to dismiss filed by Defendants on December 19, 2022, until and including January 23, 2023. Defendants further request such other relief as the Court deems proper and just.

Respectfully submitted this 12th day of December, 2022.

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